



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## **Memorandum**

**Date:** February 17, 2016

**To:** Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

**From:** Robert Price, Assistant Planner

**Subject:** **Meridian Land Services, Inc. (petitioner) and North View Homes & Development, Inc. (owner)** – Variances under Section 1.03 (A) (25) of the Zoning Ordinance to permit a four-lot subdivision with two of the lots having frontage on a Class VI road. The parcel is located at 190 Baboosic Lake Road in the R-3 (Residential) District. Tax Map 5B, Lot 045. Case #2016-09.

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The following information is provided to aid in your consideration of the above referenced cases. Additional background and application materials are included in your packet.

### **Background:**

Map 5B / Lot 45 is located at 190 Baboosic Lake Road, across from Mitchell Street. The property is located in the R (Residential) District (R-3 by soils), is approximately 9 acres in size and contains an existing residence. It is abutted entirely by residential uses. It has frontage on Baboosic Lake Road to the east and Old Blood Road (Class VI) to the west. The petitioner intends to subdivide the property into four lots, each to be serviced by municipal water and private septic.

The property does have some historic relevance, although it is important to note that it is not currently listed on either the National or State Register of Historic Places. The existing home, referred to as the Samuel Barron House, was originally constructed in 1771.

- Moses Eaton, one of New England's premier stencil artists, spent a winter in the house sometime between 1800 and 1825. He did stencil work in the home in exchange for room & board.
- Grace Goodhue Coolidge's parents were married in the home. Grace is the wife of President Calvin Coolidge.
- This home served as part of the Underground Railroad during the Civil War. There was evidence of two removable floorboards to the right of the center chimney in the cellar, which offered a place for two people to stand and hide next to the warm chimney.

The petitioner seeks variances under Section 1.03 (A) (25) of the Zoning Ordinance to permit a four-lot subdivision with two of the lots having frontage on a Class VI road. The reason variances are required is because of the definition of Frontage in the Zoning Ordinance:

25. Frontage: *The length of the lot line connecting the side lot lines which borders on a Class V or better highway (excepting the F.E.*

*Everett Turnpike and other Limited Access Highways as defined in RSA 230:44 (as may be amended from time to time)), or a street on a subdivision plat approved by the Planning Board, or land designed to become a Class V or better highway. (Section 1.03 (25))*

**Informational Only:**

If the variances are granted and if the subdivision is approved, then in the future, the petitioner will have to return to the ZBA to request authorization for the issuance of building permits on proposed lots 45-2 and 45-3, in accordance with RSA 674:41 (II). That statute states that the ZBA “may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if:

- a. The issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based; and
- b. Erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality.”

This would be done as an Appeal of Administrative Decision. In cases such as this (where an applicant will be seeking building permits on lots with frontage on a Class VI road), the appeal process is controlled by Statute. When the appeal process is not controlled by Statute, the granting of an Appeal of Administrative Decision changes how the Zoning Ordinance language is enforced. In situations like this, future requests for building permits on lots with frontage on a Class VI road would still require ZBA authorization first, regardless of how they act in this case.

Again, this serves as information only at this time. It was only included in an effort to answer any questions about the effect of granting the requested variances and does not apply to the application currently before you.

**Standard of Review:**

It is the burden of the Petitioner to demonstrate that the five criteria for the granting of the variances under Section 1.03 (A) (25) of the Zoning Ordinance to permit a four-lot subdivision with two of the lots having frontage on a Class VI road have been met.

**Staff recommends, should the Board vote to grant the variances, that they be granted with the following condition:**

- The applicant shall obtain subdivision approval from the Planning Board for the proposed 2-lot subdivision.

Cc: Zoning Board File  
Correspondence

Ec: John Tenhave, North View Homes & Development  
Kenneth Clinton, Meridian Land Services, Inc.  
Fred Kelly, Carol Miner, & Leslie Tejada, Building Department  
Captain John Manuele, Fire Department